

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
3                   SOUTHERN DIVISION  
4  
5

6       WALLACE DWAYNE PETERSON, JR.,  
7               Plaintiff,

8       VERSUS                   CIVIL ACTION NO: 1:20-cv-216-HSO-RHWR  
9

10      PEARL RIVER COUNTY,  
11      MISSISSIPPI; DAVID ALLISON,  
12      Individually; and JOHN AND  
13      JANE DOES 1-10, Individually,  
14               Defendants.  
15  
16

17                   DEPOSITION OF WALLACE DWAYNE PETERSON, JR.

18               Taken at the Pearl River County Sheriff's  
19               Department, 171 Savannah Millard Road,  
20               Poplarville, Mississippi, on Monday,  
21               October 18, 2021, beginning at 9:08 a.m.  
22  
23  
24  
25

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1 STIPULATION

2           It is hereby stipulated and agreed by and  
3   between the parties hereto, through their  
4   respective attorneys of record, that this  
5   deposition may be taken at the time and place  
6   hereinbefore set forth, by Natalie R. Seymour,  
7   Court Reporter and Notary Public, pursuant to the  
8   Federal Rules of Civil Procedure, as amended;

9           That the formality of READING AND SIGNING is  
10 specifically NOT WAIVED;

11           That all objections, except as to the form of  
12   the questions and the responsiveness of the  
13   answers, are reserved until such time as this  
14   deposition, or any part thereof, may be used or is  
15   sought to be used in evidence.

— — —

1 MR. MARTIN: My name is Lance Martin,  
2 for the defendants, Pearl River County,  
3 Mississippi, and David Allison.

4 Morgan, are we going to reserve all  
5 objections, except for as to form?

6 MR. HOLDER: That is correct.

7 WALLACE DWAYNE PETERSON, JR.,  
8 having been first duly sworn, was  
9 examined and testified as follows:

10 - - -

11 EXAMINATION

12 BY MR. MARTIN:

13 Q. Good morning, Mr. Peterson.

14 A. Good morning.

15 Q. My name is Lance Martin. Like I just  
16 said, I represent the sheriff and Pearl River  
17 County, whom you have sued here based on events  
18 from the morning of August 23rd, 2019.

19 Mr. Peterson, I want you to know I don't  
20 have anything against you personally. You know we  
21 all have jobs to do. This is my job. As part of  
22 that job, I may ask some prying questions today.  
23 That's just so we can all get down to the nuts and  
24 bolts of what your complaint is, we can figure out  
25 what happened here and kick the can a little

1 further down the road.

2 As you can see -- nothing against your  
3 attorneys. I appreciate that they are all  
4 well-put together and look good in their shirts  
5 and ties. Look, I'm a country boy from Sontag,  
6 Mississippi, so we're just going to have a  
7 conversation today.

8 MR. HOLDER: Well, I'm Bubba Holder's  
9 son, so you don't have to worry about that.

10 BY MR. MARTIN:

11 Q. And, Mr. Peterson, if you will, just  
12 answer these first couple of questions with a yes  
13 or no.

14 Do you recall the events of August 23rd,  
15 2019?

16 A. Yes.

17 Q. All right. And were you arrested on  
18 that date?

19 A. I was brought to jail. I was never told  
20 I was arrested.

21 (Discussion off the record.)

22 BY MR. MARTIN:

23 Q. And was it the Pearl River County  
24 Sheriff's Department that took you to jail?

25 A. Yes.

1 Q. Have you ever been deposed before?

2 A. No.

3 Q. All right. Have you ever testified in a  
4 trial before?

5 A. No.

6 Q. So this is your first time, like, giving  
7 testimony under oath?

8 A. No, I take that back. I got in a wreck  
9 in 2011, and I had to do a deposition.

10 Q. Okay. So, like, the court reporter just  
11 swore you in. You know, it's just like you see on  
12 court TV shows, right, swear to tell the truth,  
13 whole truth and nothing but the truth.

14 Your attorneys can't really help you in  
15 your questions -- or answers to my questions.  
16 It's just, you know, between us. When you answer,  
17 answer out loud. Don't just shake your head yeah  
18 or no. You know, the court reporter has got to  
19 take your information down.

20 I've got this mask on. If you can't  
21 understand me, say, I didn't understand that,  
22 speak a little louder, and I will. If you don't  
23 understand the question, let me know and I'll ask  
24 it again. If you need a break, you know, just  
25 ask.

1                   Are you on any kind of medication this  
2 morning that would impair your memory or your  
3 ability to speak truthfully?

4           A.     No.

5           Q.     Is there any other reason why you can't  
6 answer honestly or accurately today?

7           A.     No.

8           Q.     And what did you do to prepare for the  
9 deposition today?

10          A.     Nothing.

11          Q.     Nothing? So you didn't review documents  
12 or talk with your attorney?

13          A.     I've been in Gainesville, Florida, at a  
14 softball tournament. I just come in at 10:00 last  
15 night. I ain't talked to anyone.

16          Q.     All right. Sounds good. Sounds good.  
17 Are you a football fan?

18          A.     Not really.

19          Q.     Oh, I was going to ask you if you saw  
20 where LSU beat Florida this weekend.

21          A.     Softball, my daughter, that's all I do.

22          Q.     How old are your daughters?

23          A.     One, 14.

24          Q.     I had some cousins that were big in  
25 travel softball.



1           A.    We go to Colorado, California.  We go  
2    everywhere.

3           Q.    That's awesome.  That's fun.

4                    When you testified in that deposition,  
5    what was that related to?

6           A.    A lady had rear-ended me and flipped me.

7           Q.    Oh, wow.  Okay.  And did that go to  
8    trial?

9           A.    As soon as the deposition, they settled  
10   it right there.

11          Q.    And that was through the insurance  
12   companies?

13          A.    Uh-huh.

14          Q.    Would you state your full name for the  
15   record?

16          A.    Wallace Dwayne Peterson, Jr.

17          Q.    All right.  And what name do you  
18   normally go by?

19          A.    Wallace, Wally.  It just depends who I'm  
20   talking to.

21          Q.    I got you.  How old are you,  
22   Mr. Peterson?

23          A.    Forty.

24          Q.    And what's your birth date?

25          A.    [REDACTED]

1 Q. Okay. Are you married?

2 A. No.

3 Q. Have you ever been married?

4 A. Once.

5 Q. And when was that?

6 A. 2010.

7 Q. Okay. And what was her name?

8 A. Michelle.

9 Q. Where does Michelle live now?

10 A. No clue.

11 Q. And is it with Michelle whom you share  
12 your daughter?

13 A. No.

14 Q. Okay. Who is your daughter's mother?

15 A. Deshannon. I guess her last name is  
16 Matthews.

17 Q. Okay. And does she live here in Pearl  
18 River County?

19 A. Bogalusa, I think.

20 Q. Okay. And what's your daughter's full  
21 name?

22 A. [REDACTED]

23 Q. And, Mr. Peterson, where do you  
24 currently live?

25 A. [REDACTED]

1 Q. All right. And how long have you lived  
2 there?

3 A. Since '07.

4 Q. Okay. Does anyone live with you?

5 A. My daughter.

6 Q. Okay. Do you have full custody of her?

7 A. Yes.

8 Q. Prior to that, prior to 2007, where did  
9 you live?

10 A. [REDACTED], kind of.

11 Q. And was that a house, a rental?

12 A. A rental.

13 Q. Okay. Where did you go to high school?

14 A. Hancock.

15 Q. Is that down on the Coast?

16 A. Hancock High, yeah.

17 Q. Okay. What year did you graduate?

18 A. 2000.

19 Q. Well, you're right between us. We have  
20 some 2002s, and then I'm '95, and then maybe a  
21 '97 is in here. We're all in the same ballpark.  
22 Greatest time to be alive, in my opinion.

23 Did you graduate?

24 A. No, sir.

25 Q. You did not. Okay. What year did you

1 drop out?

2 A. '99.

3 Q. So which grade did you complete?

4 A. Eleventh.

5 Q. Okay. Did you go on to get a GED?

6 A. No.

7 Q. Did you do any kind of trade school or  
8 anything like that?

9 A. No.

10 Q. What do you do for a living?

11 A. I'm an equipment operator. I work for a  
12 farm.

13 Q. Okay. Which farm is that?

14 A. Green Bell Farm.

15 Q. Green Bell Farm. And what kind of  
16 farming operation is that?

17 A. Just cattle.

18 Q. And who owns that corporation?

19 A. Conrad Collins.

20 Q. And are you related to Mr. Collins in  
21 any way?

22 A. No.

23 Q. Okay. That pretty much knocks out a lot  
24 of our introductory questions. I don't know if  
25 your attorneys have really talked to you much

1 about this, but where we are in this case is a  
2 thing called qualified immunity discovery. It's  
3 really just fact-finding. You know, we're not  
4 necessarily going to get into damages that you  
5 incurred or anything like that. We're looking at  
6 your claims that have survived before the Court.

7 And when this is all wrapped up, you  
8 know, I'm sure I'll file a motion. Your attorneys  
9 will respond to that motion, and then we'll keep  
10 kicking the can a little further down the road and  
11 see where we go.

12 So right now I want to get to the  
13 specifics about the morning of your arrest. We  
14 established earlier that you were, in fact --  
15 well, I say "arrest." You say that you were taken  
16 to jail.

17 You were taken into custody by the Pearl  
18 River County Sheriff's Department on August 23rd,  
19 2019; correct?

20 A. Yes.

21 Q. All right. In your own words, just give  
22 me, you know, your brief recollection of what  
23 happened that morning.

24 A. I had just put my -- I was sick that  
25 morning. I had put my daughter on the bus, come

1 back in and laid on the couch. I wasn't feeling  
2 good. And then they kicked the door in, told me  
3 to stand up. When I stood up, they threw me down  
4 and hit me in the face.

5 And I asked them what was going on, and  
6 they said they had a warrant. And I asked to see  
7 it, and it's never been produced. I was in my  
8 underwear. They handcuffed me in the  
9 yard -- handcuffed me in the house and took me in  
10 the yard and made me stand there after my face was  
11 busted and blood was everywhere.

12 They never once told me why I was being  
13 arrested. I asked what was going on, Sergeant  
14 Bean, and he told me he didn't have to tell me  
15 nothing. And that was basically it.

16 Q. I'm just going to unpack a few things,  
17 okay, and we'll move forward. Do you remember why  
18 you were sick, like, that morning?

19 A. Just wasn't feeling good.

20 Q. Probably a little like me today, just  
21 one of those mornings.

22 Were you at the address on Connie Hariel  
23 when this happened?

24 A. Yes.

25 Q. And you said you walked your daughter to

1 the school bus?

2 A. Put her on the bus.

3 Q. Okay. About how far is that walk from  
4 your door to the road?

5 A. Fifty foot.

6 Q. Okay. So pretty close?

7 A. I didn't have to walk. I stood at the  
8 door while she walked.

9 Q. I got you. I got you. About what time  
10 of the morning was that?

11 A. She gets on the bus?

12 Q. Uh-huh.

13 A. 6:45.

14 Q. And to your recollection, when you went  
15 back inside and lied down on the couch, how long  
16 was it until the officers showed up?

17 A. I don't really know.

18 Q. No idea?

19 A. I don't really know. I dozed off. I  
20 was asleep when they come in.

21 Q. Okay. Had you stayed up late the night  
22 before, or you were just sleepy?

23 A. I was sick.

24 Q. All right. So you had dozed off and you  
25 were sleepy.

1                   You kind of gave me some tidbits of what  
2   happened inside your house. Can you put a time  
3   stamp on about how long that took, like everything  
4   from beginning to end?

5           A.    A couple of minutes.

6           Q.    Do you remember how many officers were  
7   there?

8           A.    There was three or four in the house, I  
9   think. I mean, I was kind of out of it, you know.

10          Q.    And what do you mean by that, you were  
11   kind of out of it? Just dazed from being sleepy?

12          A.    No, when they hit me.

13          Q.    And you say, when they hit you.

14          A.    The cop, whoever he was. I don't know  
15   who he was.

16          Q.    So it was one cop who hit you?

17          A.    (Witness nodded affirmatively.)

18                   THE COURT REPORTER: I didn't get that.  
19   Was that a "yes" or "no"?

20                   THE WITNESS: Yes -- I'm sorry -- it was  
21   one cop.

22   BY MR. MARTIN:

23          Q.    And can you describe what he looked  
24   like, any kind of recollection of what he looked  
25   like?



1           A.    Big, bulky guy with, it looked like, an  
2 assault rifle or shotgun. I don't know. He kind  
3 of looked like he was on steroids or something.

4           Q.    Kind of like me? How did he hit you?

5           A.    With the gun. I don't know. He threw  
6 me on the ground, and he was on my back and hit me  
7 in the face with, like, the butt of his gun.

8                   And he had a camera on. I don't  
9 understand why they don't have the video.

10          Q.    So the hit to your face by this big,  
11 bulky guy, it came after you were on the ground?

12          A.    (Witness nodded affirmatively.)

13          Q.    Explain to me how you got to be on the  
14 ground. Kind of step me through that.

15          A.    He told me to stand up and put my hands  
16 up. When I put my hands up, he threw me on the  
17 ground, put his knee on my back and then hit me.

18          Q.    Do you remember what this officer was  
19 wearing?

20          A.    Looked like tactical gear.

21          Q.    Okay. Did it have any kind of markings  
22 on it that you recall?

23          A.    No.

24          Q.    And when the hit came in and you were on  
25 the ground, you said, face down, was your head

1 facing to the left or was your head facing to the  
2 right?

3 A. I think to the left.

4 Q. To the left. Okay. And did the hit  
5 come in from behind you or in front of you? Does  
6 that make sense? Like, if you're laying on the  
7 ground, did it come in from behind or kind of in  
8 front?

9 A. Behind.

10 Q. I'm not making light of your situation,  
11 okay, but have you ever been hit in the face with  
12 a firearm before?

13 A. No.

14 Q. Have you ever been in a fistfight?

15 A. Yes.

16 Q. Could you explain to me any difference  
17 that you felt from what you were struck with that  
18 day as opposed to a fist?

19 A. Oh, I mean, I've never gotten hit by a  
20 fist. I've just been in a fistfight.

21 Q. You Bruce Lee or something? Not even  
22 getting hit, that's awesome.

23 Okay. Then just tell me what the hit  
24 felt like.

25 A. The hit busted my face and kind of dazed

1 me.

2 Q. Okay. And was that the only hit that  
3 you suffered?

4 A. I guess. It kind of dazed me for a  
5 minute.

6 Q. So, I mean, you're saying you were  
7 dazed, and you said "I guess." You really can't  
8 say one way or the other?

9 A. It kind of knocked -- almost knocked me  
10 out, I guess you would say.

11 Q. And you come off the couch. You hit the  
12 ground. You get hit. Then you're handcuffed?

13 A. (Witness nodded affirmatively.)

14 MR. HOLDER: You've got to verbalize an  
15 answer.

16 THE WITNESS: Oh, I'm sorry. Yes.

17 BY MR. MARTIN:

18 Q. When you were taken off the couch and  
19 everything else happened, was the officer who took  
20 you off the couch the officer who handcuffed you?

21 A. I'm not sure. I was laying on the  
22 ground. I would assume.

23 Q. And at that point in time --

24 (Discussion off the record.)

25 MR. MARTIN: What was the last thing I

1           said?

2           (Wherein, the partial question was read back.)

3   BY MR. MARTIN:

4           Q.   At that point in time, I believe earlier  
5   you said they took you outside?

6           A.   (Witness nodded affirmatively.)

7           Q.   Okay. And when they took you outside,  
8   where did they put you?

9           A.   Made me stand at the back of my truck.

10          Q.   Okay. And how long would you say you  
11  stood there?

12          A.   An hour.

13          Q.   Okay. Did they ever put you in a squad  
14  car?

15          A.   Yeah, finally.

16          Q.   About what time was that?

17          A.   I didn't have no watch on.

18          Q.   Okay. Let's go back to the entry. Did  
19  you hear them knock on your door?

20          A.   No.

21          Q.   Did you hear them say anything?

22          A.   When they was walking in -- when they  
23  was running in, they said "sheriff's department."

24          Q.   So after they made it through the door,  
25  they started saying "sheriff's department," to

1 your recollection?

2 A. (Witness nodded affirmatively.)

3 THE COURT REPORTER: Yes or no? I  
4 didn't get a response.

5 THE WITNESS: Yes. I'm sorry.

6 BY MR. MARTIN:

7 Q. Was it one voice or a group of voices?

8 A. One.

9 Q. Okay. Could you see where the voice was  
10 coming from?

11 A. Yes.

12 Q. And who was it coming from?

13 A. The guy that hit me.

14 Q. Okay. And you said it was a guy. So it  
15 was a male voice, not a female voice?

16 A. Yes.

17 Q. Were there any females there that day?

18 A. Not that I recall.

19 Q. Okay. So you never got a chance to open  
20 the door; right?

21 A. No.

22 Q. And you said, you know, maybe four or  
23 five officers. You can't really remember  
24 correctly because you were on the floor and dazed;  
25 correct?

1           A.    No.  There was, like, three that came  
2    in.  Then they was all the way around the house  
3    and in the yard.

4           Q.    And to your recollection, what were they  
5    doing when they were all in the house?

6           A.    They took me out.  They destroyed the  
7    house, I know that.

8           Q.    Okay.  And I understand that -- you  
9    know, that claim.  Can you describe any of the  
10   other officers?  I mean, we've got the -- I'll  
11   just say the main guy that was kind of -- you said  
12   looked like he was on steroids.  Can you describe  
13   any of the others?

14          A.    Chris, the guy that led us in.

15          Q.    Okay.

16          A.    Van, I seen him there and that Sergeant  
17   Bean, whoever he is.

18          Q.    The guy that led us in, which guy?  
19   Because there has been a couple.

20          A.    Chris Ventura, whatever his name is,  
21   Stachura.

22          Q.    Stachura?

23          A.    Whatever, yeah.

24          Q.    And had you seen him in the county  
25   before?  Did you know him?

1 A. Never seen him in my life.

2 Q. Okay. And you called out Van by name.

3 Did you know Van?

4 A. Yes.

5 Q. Okay. How long have you known Van?

6 A. He used to buy calves from us 20 years  
7 ago.

8 Q. Okay. And if you had to describe what  
9 Van looked like, what does Van look like?

10 A. Overweight Mexican.

11 Q. And you knew Van by name that day, like,  
12 when he was there?

13 A. (Witness nodded affirmatively.)

14 Q. Did you have any conversations with Van  
15 while he was on your property?

16 A. Nuh-uh. No. Sorry. Sorry.

17 Q. All right. I'm going to give you a  
18 couple of items, and I'm just going to ask you  
19 first if you can identify them. And if you can  
20 identify them, then we'll put them into evidence  
21 and we will talk about them. Okay?

22 A. Uh-huh.

23 Q. And the first couple, they haven't been  
24 pre-marked or anything. It's just something for  
25 my benefit so we can kind of understand a little

1 bit more what's going on.

2 Now, this first snapshot -- I didn't  
3 drive by your trailer -- I got that off Google  
4 Maps. Is that where you live?

5 A. Yeah.

6 Q. Okay. And that second one is -- I know  
7 you're not a bird or anything, but would you think  
8 that that's a fair assessment of the overview of  
9 your house?

10 A. I guess.

11 Q. Best as you can tell?

12 A. Yeah, I guess.

13 Q. Okay. Do you know the dimensions of  
14 your house trailer?

15 A. Sixteen-by-eighty, maybe.

16 Q. That's kind of what I thought, 16-by-80.  
17 And I don't need this to be exact, but could you  
18 just give me an idea on that block graphic, just  
19 kind of sketch out where you think your living  
20 room is and your bedroom? And, again, it doesn't  
21 have to be exact. This is just so I can get a  
22 feel of the lay of the land.

23 A. Okay.

24 Q. Would you just hold that up? You don't  
25 have to pass it back to me.



1                   Okay. So your living room is basically  
2 if we --

3           A. Center.

4           Q. Yeah, center. So whenever they came in  
5 through your front door, they would have been  
6 right there on you?

7           A. Yes.

8           Q. Okay. Where were you when they came in?

9           A. Laying on the couch.

10          Q. Was there anything between you and the  
11 door, like a coffee table?

12          A. Coffee table.

13          Q. Okay. About how much space is in  
14 between the coffee table and the couch?

15          A. Two foot.

16          Q. Okay. And is that where you were taken  
17 to the ground?

18          A. Towards the kitchen from the coffee  
19 table.

20          Q. Okay. So if you're looking at your door  
21 and you were towards the kitchen, would that be to  
22 your right or to your left?

23          A. Left.

24               MR. HOLDER: Okay. Can we clarify the  
25 record here? If you're looking at the door

1 from the inside or the outside?

2 MR. MARTIN: From his perspective, from  
3 the inside.

4 THE WITNESS: It would be to the right.

5 MR. MARTIN: Thanks, Morgan.

6 BY MR. MARTIN:

7 Q. So if you're looking at the door from  
8 the couch, to your right would have been the  
9 kitchen, and that's the direction you were.

10 Okay. How did you get there? Was it a  
11 straight takedown move? Were you picked up?

12 A. I stood up -- I stood up behind the  
13 coffee table, and they laid me down towards the  
14 kitchen.

15 Q. Okay. How did they lay you down?

16 A. With force. I don't know. They grabbed  
17 me and threw me down.

18 Q. Grab you on your left arm, your right  
19 arm?

20 A. I don't know. They grabbed me and threw  
21 me down.

22 Q. Oh, and I also showed you a picture of  
23 yourself. Is that a fair representation of what  
24 you looked like that day?

25 A. I guess so.

1 Q. Do you remember who took that photo?

2 A. No clue.

3 MR. MARTIN: Madam Court Reporter, that  
4 photo is marked as CLT Peterson-000036. It's  
5 been produced in discovery, and I'd like to  
6 introduce it as Exhibit 1.

7 - - -

8 (Exhibit 1 was marked.)

9 BY MR. MARTIN:

10 Q. And that amount of blood, Mr. Peterson,  
11 that's coming from your nose and your mouth?

12 A. Inside my mouth. I was drinking most of  
13 it.

14 Q. Okay. When this photo was taken, you  
15 established that was after some time, before you  
16 had been put in the police car?

17 A. Yeah.

18 Q. Okay. And I can clearly see that you  
19 didn't have a shirt on. What was the temperature  
20 that day?

21 A. No clue, really.

22 MR. MARTIN: Gentlemen, this is CLT 65.  
23 It's the CAD sheet. It's close to the back.  
24 I'm going to introduce this as Exhibit 2.

25 - - -

1 (Exhibit 2 was marked.)

2 BY MR. MARTIN:

3 Q. All right, Mr. Peterson. I know this  
4 probably looks like Greek to you. It sometimes  
5 does to me, as well. If you will, I want you to  
6 read some of these things that are on here for me.

7 At the top, what date does it say?

8 A. 8/23/19.

9 Q. Okay. And you would agree with me that  
10 it says that it's a search warrant?

11 A. Yes.

12 Q. And then it says, [REDACTED]

13 [REDACTED]?

14 A. Yes.

15 Q. All right. And then below that, it says  
16 "responding units" and starts naming off several  
17 names; correct?

18 A. Yeah.

19 Q. All right. I'm just going to ask you  
20 about these gentlemen. You tell me whether you  
21 know them or not.

22 Do you know Joe Garcia?

23 A. Yes.

24 Q. Okay. How do you know Joe?

25 A. Grew up with him.

1           Q.    And would you describe Joe?  What does  
2   he look like?

3           A.    Kind of short and fat.

4                   He wasn't there.  Why is he on there?

5           Q.    He's just on the list.

6           A.    Okay.

7           Q.    So Joe wasn't there?

8           A.    No.

9           Q.    All right.  What about the second  
10  gentleman, Daniel T. Quave?  No idea?

11          A.    No idea.

12          Q.    The third person, Terrence Tucker?

13          A.    No idea.

14          Q.    Okay.  Fourth person, David M. Allison?

15          A.    The sheriff.

16          Q.    Did you know the sheriff before that  
17  day?

18          A.    He come to our store when he was running  
19  for sheriff to campaign.  Yes.

20          Q.    So you knew what he looked like?

21          A.    Yes.

22          Q.    And then the next person is Van.  How do  
23  you pronounce Van's last name?

24          A.    No clue.

25          Q.    You've just known him for a long time.

1 I get it. Even if I knew him for a long time, I  
2 don't know if I could pronounce that one.

3 The next person is a David Bean. Do you  
4 know David?

5 A. No, sir.

6 Q. What about Nathan Davis?

7 A. No, sir.

8 Q. Okay. Ryan Stachura?

9 A. No, sir.

10 Q. But you identified him earlier; correct?

11 A. Yes.

12 Q. Okay. And Jeffrey Horner; is that  
13 correct?

14 A. Yes. I don't know him, but --

15 Q. Right. Were any of those gentlemen that  
16 are listed the one who allegedly hit you?

17 A. No idea. I don't know the guy's name.

18 Q. Okay. And I'm not boxing you in here.

19 It's really just an agreement with what this  
20 document says. It says on here, received, RECV;  
21 dispatch, DISP; and arrive, ARIV. All three of  
22 those have at the very top an 8:10 time stamp;  
23 correct?

24 A. Yes.

25 Q. Just according to this document. And

1 then after that, it says, clear, 10:09; correct?

2 A. Yeah.

3 Q. When all of this was taking place, do  
4 you remember seeing the sheriff as it was all  
5 taking place?

6 A. Yes, sir.

7 Q. Okay. When did you first see the  
8 sheriff?

9 A. When I was outside.

10 Q. When you were outside. Okay. And where  
11 did you notice him?

12 A. Standing out in the yard.

13 Q. Okay. Can you remember what he was  
14 wearing that day?

15 A. He had his badge on.

16 Q. Okay. Had the sheriff come into your  
17 house prior to when you saw him?

18 A. I don't think. I don't know.

19 Q. Okay. Do you know whether or not the  
20 sheriff knew that the arresting officer had taken  
21 you to the ground?

22 MR. HOLDER: Object to the form. You  
23 can answer.

24 A. I don't even know what -- say that  
25 again.

1 BY MR. MARTIN:

2 Q. What do you know about the sheriff's  
3 knowledge of what happened inside your trailer?

4 MR. HOLDER: Object to the form.

5 A. I don't even know how to answer that.

6 BY MR. MARTIN:

7 Q. Did the sheriff have a chance, to your  
8 knowledge, to stop the alleged excessive force?

9 A. Yeah.

10 Q. How so?

11 A. He was there, wasn't he?

12 Q. You kind of just established that he  
13 wasn't inside your trailer. You didn't see him  
14 first until after you were taken outside.

15 A. Well, I mean, he sent them in there,  
16 didn't he? That would have been his chance to  
17 stop it, not send them in there.

18 Q. So your position is that stopping their  
19 entry into your home would have stopped anything  
20 that happened inside the home?

21 A. I guess.

22 Q. Okay. Do you have any proof that the  
23 sheriff chose not to act?

24 A. I don't know how to answer that.

25 MR. MARTIN: All right, Mr. Peterson.



1           That does it for me for right now. Your  
2           attorney's going to ask you some questions.  
3           And if I have any follow-up afterwards, I'll  
4           re-ask. Okay? So thank you.

5                               - - -

6                               EXAMINATION

7       BY MR. HOLDER:

8           Q.     Wallace, how long has your daughter  
9           lived with you?

10          A.     Her entire life.

11          Q.     So 14 years?

12          A.     Yeah.

13          Q.     Has she ever lived with anyone else?

14          A.     No.

15          Q.     And have y'all always lived at the  
16       address y'all live at now?

17          A.     Yes.

18          Q.     Was there ever an occasion where y'all  
19       spent weeks or months at a time living with anyone  
20       else?

21          A.     Yeah. Well, I had a girlfriend one  
22       time -- I had a fiancée. We moved into her house.

23          Q.     Did you ever move into your parents'  
24       house?

25          A.     No.

1           Q.    You said Sergeant Bean was present; is  
2   that right?

3           A.    Yes.

4           Q.    How did you become aware of that?

5           A.    He's the one that took me to jail.

6           Q.    And was he there when they brought you  
7   outside?

8           A.    Yes.

9           Q.    So you were speaking to him when you  
10   went outside?

11          A.    Yes.

12          Q.    And how long was it from the incident  
13   with the officer who first came into your house  
14   until they took you outside?

15          A.    Few minutes.

16          Q.    But once you got outside, Sergeant Bean  
17   was already there?

18          A.    Yes.

19          Q.    And do you know what he looks like?

20          A.    Kind of black hair with glasses.

21          Q.    And was he out there by himself, or was  
22   he talking to other officers; do you recall?

23          A.    He stood by me by the back of my truck  
24   by myself, but there was other officers back  
25   there.

1 Q. You testified that you stood behind your  
2 truck for quite some time?

3 A. Yeah. It seemed like an hour, but I  
4 didn't have a watch on.

5 Q. What were you wearing?

6 A. Underwear.

7 Q. What else?

8 A. Handcuffs.

9 Q. Did you ask them if you could put  
10 clothes on?

11 A. I even asked for shoes.

12 Q. Were you bleeding the entire time?

13 A. Yes.

14 Q. Did they offer you any medical aid?

15 A. No.

16 Q. Did the sheriff see you bleeding?

17 A. Yes.

18 Q. Did he offer you any medical aid?

19 A. No.

20 Q. How did they bring you outside?

21 A. Walked me out in handcuffs.

22 Q. There are stairs that lead up to your  
23 trailer?

24 A. Yes.

25 Q. Do you recall who it was that brought

1     you outside?

2             A.     No, I don't.

3             Q.     You said that you know Joe Garcia?

4             A.     Yeah.

5             Q.     And he was not there?

6             A.     He was not there.

7             Q.     But he's listed on this report that he  
8     showed you; right?

9             A.     Yeah.

10            Q.     You said David Bean was present at the  
11     very latest from the second they brought you  
12     outside?

13            A.     Yes.

14            Q.     Okay. So if it said he arrived there at  
15     9:34, that would not be accurate?

16            A.     No.

17            Q.     Can you describe, to the best of your  
18     recollection, the firearm that the officer had  
19     that initially came into the trailer?

20            A.     I thought it was an assault rifle or a  
21     shotgun. He had it in both hands.

22            Q.     It wasn't a pistol?

23            A.     I don't think. He had it in both hands,  
24     up like this (indicating). I mean, it could have  
25     been a long pistol.

1           Q.    But to the best of your recollection,  
2    you thought it was some type of rifle or a  
3    shotgun?

4           A.    Yeah.

5           Q.    Okay.  And to the best of your  
6    recollection, the strike to your face was from the  
7    butt of that gun?

8           A.    Yeah.

9           Q.    And when you say "the butt of that gun,"  
10   are you talking about the flat portion of the  
11   bottom of the handle?

12          A.    Yeah.

13          Q.    Okay.  You also testified that he had a  
14   body camera on?

15          A.    Yes.

16          Q.    How were you aware of that?

17          A.    Because I seen it.  Every one of them  
18   walking around that was dressed in tactical gear  
19   had the little round thing on their chest.

20          Q.    And when you say the ones wearing  
21   tactical gear, were there two separate uniforms  
22   that the officers were wearing out there?

23          A.    Some of them was in plain uniforms, and  
24   the other ones was in the tactical stuff.

25          Q.    And when you say "plain uniforms," are

1 you talking about the uniforms such as you see the  
2 officers in walking around here today?

3 A. Yeah.

4 Q. And the others are wearing more -- you  
5 call it tactical. Can you explain that?

6 A. More like the Army.

7 Q. And it's the ones that were wearing the  
8 tactical gear that you say you personally observed  
9 wearing body cameras?

10 A. Yeah.

11 Q. Now, Lance got into kind of the  
12 schematics of the trailer. There's the front  
13 door, and in between the front door and the couch,  
14 there's what?

15 A. Coffee table.

16 Q. All right. And you said how far was the  
17 coffee table from the couch?

18 A. Maybe two foot.

19 Q. How far was the other edge of the coffee  
20 table to the front door?

21 A. Eight, twelve -- eight foot, maybe.

22 Q. So how far was it total from the  
23 entryway to your front door to the couch? Just  
24 your best estimate.

25 A. Twelve foot at the most.

1 Q. Okay. So just a few steps?

2 A. Yes.

3 Q. And when they initially -- well, let me  
4 back up.

5 You said you never heard them knock on  
6 your door?

7 A. No.

8 Q. And you were on the couch, 12 feet from  
9 the door?

10 A. Yes.

11 Q. Had you been drinking anything?

12 A. No.

13 Q. Any alcoholic beverages or anything like  
14 that?

15 A. No.

16 Q. You said you didn't feel well?

17 A. Didn't feel well.

18 Q. And this was a little after 8:00 in the  
19 morning?

20 A. Yes.

21 Q. Okay. And you had already been up?

22 A. Yeah. I got up and put her on the bus  
23 and then was sick feeling, so I laid on the couch.

24 Q. The first time you heard them after they  
25 came into your trailer, tell me exactly where they

1       were when you opened your eyes and you saw them.

2           A.     The other side of the coffee table from  
3       me.

4           Q.     So within a few feet, several feet?

5           A.     Few feet.

6           Q.     And they told you to do what?

7           A.     Stand up.

8           Q.     Was there anything on that coffee table?

9           A.     Nothing.

10          Q.     Where was your truck parked?

11          A.     Right outside the front door.

12          Q.     Approximately how many feet from the  
13       front door?

14          A.     Ten.

15          Q.     How many patrol cars were out there, to  
16       the best of your recollection?

17          A.     Six to eight. I know there was two  
18       behind my truck, two beside the trailer, and they  
19       was all the way down the driveway to the road.

20          Q.     Were their lights on?

21          A.     I don't think so.

22          Q.     You didn't see any flashing lights or  
23       anything?

24          A.     No.

25          Q.     The photo that was introduced as Exhibit



1 1, do you know where you were when that photo was  
2 taken?

3 A. Looks like in the back of a cop car.

4 Q. And so was this -- let me back up on  
5 that.

6 When did they put you in the back of the  
7 patrol car?

8 A. After I complained about -- I was trying  
9 to sit down. They wouldn't let me ever sit there.  
10 Then they put me in the cop car, and I was  
11 bleeding. And he didn't want blood in there, so  
12 he put me in the dog part of the SUV, the dog  
13 compartment of the SUV.

14 Q. Was this a K9 unit?

15 A. Yeah. The car was not. Blood was in  
16 the car, and he didn't want me in there. So he  
17 put me in the K9 unit, in the dog compartment.

18 Q. Did you ever see a K9 there?

19 A. Yeah. It was throwing a fit, barking.

20 Q. Was it a German Shepherd?

21 A. I was on the other side. I don't know.

22 Q. So you never saw the actual dog in the  
23 K9 unit?

24 A. No.

25 Q. From the best of your recollection, how

1 long was it from the first time you were thrown in  
2 any law enforcement vehicle until the time y'all  
3 left your property to go to jail?

4 A. It seemed like three hours. I don't  
5 know.

6 Q. Okay. Let me ask you this: Were you  
7 standing behind your truck longer than you were in  
8 the patrol car or vice versa?

9 A. I thought I was behind my truck longer.

10 Q. So this was taken well after the initial  
11 breach into your trailer?

12 A. Oh, yeah.

13 Q. Now, you said you saw Sheriff Allison  
14 outside; is that right?

15 A. Yes, sir.

16 Q. Who was he standing with; do you recall?

17 A. I have no idea.

18 Q. Was he alone, or was he with someone  
19 else?

20 A. I thought he was alone.

21 Q. And you said that you are unsure whether  
22 he had already been in your house or not?

23 A. Yeah.

24 Q. Did the sheriff allow you to remain  
25 handcuffed?

1 A. Yes.

2 Q. Allowed you to remain bleeding outside,  
3 too?

4 A. Huh?

5 Q. He allowed you to remain bleeding  
6 outside, too?

7 A. Yes.

8 Q. And he didn't offer you any aid at all?

9 A. Nothing.

10 Q. Did anybody ever tell you you were under  
11 arrest?

12 A. No.

13 Q. Did you ask for a copy of the purported  
14 search warrant?

15 A. Yes.

16 Q. And did you get a copy?

17 A. No.

18 Q. Who did you ask?

19 A. I asked Allison and Chris, whatever his  
20 last name is, Stachura, whatever.

21 Q. Stachura?

22 A. Yeah.

23 Q. And what did they tell you?

24 A. Allison told me he didn't have to have a  
25 warrant, and Chris Stachura just never answered

1 me -- or Ryan Stachura, whatever his name is.

2 Q. So the sheriff said he didn't need a  
3 warrant?

4 A. Yes. He said he didn't have to have a  
5 warrant to be at my house, is what he said.

6 MR. HOLDER: Can we go off the record  
7 for a minute?

8 MR. MARTIN: Sure.

9 (Off the record.)

10 BY MR. HOLDER:

11 Q. All right, Wallace. Picking back up,  
12 what was on that coffee table, you said?

13 A. Nothing that I know. Maybe a remote.

14 Q. Okay. And when they asked you to stand  
15 up, did you threaten the officer in any way?

16 A. No.

17 Q. Did you offer any resistance?

18 A. No.

19 Q. Did you have anything in your hands?

20 A. No.

21 MR. HOLDER: I believe that's all I've  
22 got for now.

23 - - -

24 FURTHER EXAMINATION

25 BY MR. MARTIN:

1 Q. Just a couple of quick, you know,  
2 redirects, Mr. Peterson.

3 Again, whenever you were hit, you were  
4 down on the ground; correct?

5 A. Uh-huh. Yes. I'm sorry.

6 Q. You established earlier that you  
7 couldn't clearly see?

8 A. Yes.

9 Q. You had never been hit in the face with  
10 the butt of a firearm before?

11 A. No.

12 Q. So you really have nothing to compare  
13 what happened to you on this day to; correct?

14 A. No.

15 Q. Morgan just asked you about if anything  
16 was on the coffee table. Does the couch have end  
17 tables?

18 A. No.

19 Q. There are no end tables on the couch?

20 A. No, sir.

21 Q. And he asked you if you had threatened  
22 officers; correct?

23 A. Yes.

24 Q. Have you heard the statement that you  
25 had a wine bottle in your hand on this particular

1 morning?

2 A. Yes.

3 Q. Okay. And your testimony is there's no  
4 truth to that?

5 A. None at all.

6 Q. And, Mr. Peterson, as I'm sure you can  
7 appreciate, in a lot of respects, that comes down  
8 to a he said, she said. You're going to say I  
9 didn't have a wine bottle, and the officers will  
10 likely say that you did. That's one of our  
11 sticking points.

12 But, again, your testimony is you did  
13 not have a wine bottle?

14 A. No, sir.

15 Q. And your counsel just clarified with  
16 you -- and this is also in your complaint -- that  
17 your testimony is you didn't do anything  
18 threatening to the officer; correct?

19 A. Correct.

20 Q. You have said numerous times in your  
21 deposition this morning that you didn't have a  
22 watch on. So your estimation of three hours,  
23 that's just what that is, right, just an  
24 estimation?

25 A. Just an estimation.

1 Q. You have no way of proving that?

2 A. No way.

3 Q. And then briefly about Sheriff Allison,  
4 you said you first saw him outside and that he was  
5 alone?

6 A. Yes.

7 Q. And that you're unsure as to whether or  
8 not he was ever inside your home?

9 A. No, I know he was inside my home.

10 Q. And what point in time do you know that  
11 he was inside your home?

12 A. I know when they wanted me to go back in  
13 and open my gun safe for them.

14 Q. But not prior to that point, you're not  
15 certain, I guess is my --

16 A. I don't know.

17 Q. Okay. And you brought it up -- this  
18 will be my last question -- the gun safe. You  
19 said you opened it?

20 A. Yes.

21 Q. Okay. And who took you inside to open  
22 that safe?

23 A. Ryan, whatever his last name is.

24 Q. How did you open it?

25 A. They uncuffed me.

1 Q. Okay. And is it a padlock, combination  
2 lock?

3 A. Combination.

4 Q. Okay. And I'm guessing you knew the  
5 combination and didn't want anybody else to have  
6 the combination; right?

7 A. Yes. Well, he told me they was going to  
8 cut it open if I wouldn't open it.

9 Q. Okay. So you opened it?

10 A. (Witness nodded affirmatively.)

11 MR. MARTIN: All right, you guys. I  
12 think that's good for me, too. Appreciate  
13 it, Mr. Peterson.

14 (Off the record)

15 MR. MARTIN: Before we wrap up, since  
16 Mr. Peterson did look at his trailer photos  
17 and we discussed them, both parties did,  
18 let's enter those as Exhibit 3, along with  
19 the one Mr. Peterson drew on.

20 MR. HOLDER: Which ones did he look at?

21 MR. MARTIN: He looked at the front of  
22 his trailer, the overview of his trailer and  
23 then his orientation as to --

24 THE WITNESS: I guess that's it. I  
25 don't really know.



1           MR. MARTIN: If you don't want to put  
2 the overview in there, I'm fine with that.

3           MR. HOLDER: You talking about these  
4 two?

5           MR. MARTIN: Yeah. Just put that in as  
6 Exhibit 3, and we'll be good.

7           For the record, I'd like a copy of this.  
8 I'll give you a card with my contact  
9 information.

10                                 - - -

11                         (Exhibit 3 was marked.)

12                                 - - -

13           (Deposition concluded at 10:11 a.m.)

14

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## 1 CERTIFICATE OF COURT REPORTER

2 I, NATALIE R. SEYMOUR, Court Reporter and  
3 Notary Public, in and for the County of Harrison,  
4 State of Mississippi, hereby certify that the  
5 foregoing pages, and including this page, contain a  
6 true and correct transcript of the testimony of the  
7 witness, as taken by me at the time and place  
8 heretofore stated, and later reduced to typewritten  
9 form by computer-aided transcription under my  
10 supervision, to the best of my skill and ability.

11 I further certify that I placed the witness  
12 under oath to truthfully answer all questions in  
13 this matter under the authority vested in me by the  
14 State of Mississippi.

15 I further certify that I am not in the employ  
16 of, or related to, any counsel or party in this  
17 matter, and have no interest, monetary or  
18 otherwise, in the final outcome of the proceedings.

19 Witness my signature and seal, this the 27th  
20 day of October, 2021.

21 *Natalie R. Seymour*



22  
23  
24 Natalie R. Seymour, CSR #1637  
My Commission Expires 6/12/2022.

25

## 1 ERRATA SHEET

2 I, \_\_\_\_\_, do solemnly  
 3 swear that I have read the foregoing \_\_\_\_\_ pages  
 4 of the testimony given by me at the time and place  
 5 hereinbefore set forth, with the following  
 6 corrections:

6 Page: Line: Correction: Reason for change:

7 \_\_\_\_\_  
 8 \_\_\_\_\_  
 9 \_\_\_\_\_  
 10 \_\_\_\_\_  
 11 \_\_\_\_\_  
 12 \_\_\_\_\_  
 13 \_\_\_\_\_  
 14 \_\_\_\_\_  
 15 \_\_\_\_\_  
 16 \_\_\_\_\_

## 17 NOTARIZATION

18 I, \_\_\_\_\_, notary public  
 19 for the State of Mississippi, \_\_\_\_\_  
 20 County, do hereby certify that \_\_\_\_\_  
 21 personally appeared before me this \_\_\_\_\_ day of  
 22 \_\_\_\_\_, 2021, at \_\_\_\_\_, Mississippi.

23 My Commission Expires:

24 \_\_\_\_\_ (NOTARY PUBLIC)  
 25 \_\_\_\_\_ (NRS)